

EXHIBIT 77

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA**

IN RE:

NIASPAN ANTITRUST LITIGATION

THIS DOCUMENT RELATES TO:

ALL ACTIONS

MDL 2460

Master Case No. 2:13-md-2460

**DECLARATION OF NON-PARTY
OPTUMRX**

DECLARATION OF ROBERT LAHMAN

I, ROBERT LAHMAN, make the following declaration:

1. I am over 21 years of age, am of sound mind and body, and am otherwise competent to testify.
2. I am currently employed as a Senior Vice President, Industry Relations at OptumRx, Inc. I joined OptumRx in April 2007. I have personal knowledge of the facts set forth in this declaration and if called upon to do so, I could and would testify competently to all of the matters contained herein.
3. The Pharmaceutical Benefit Manager ("PBM") business at OptumRx provides comprehensive pharmacy care services to numerous customers in the U.S. and Puerto Rico. OptumRx provides services to a broad array of clients including, but not limited to, corporate health plans, managed care organizations, unions and other funded benefit plans ("Clients" or "Third-Party Payors"). The company also contracts with retail pharmacies, with approximately 67,000 participating pharmacies in its network.
4. OptumRx is a service provider. OptumRx as a PBM is not a consumer, end-payor, insurer, or reseller of prescription drug products.

5. OptumRx has readily accessible records, in an industry standard format created by the National Council for Prescription Drug Program, by which third-party payors and consumers can be identified on every purchase of Niaspan and Generic Niaspan that OptumRx adjudicates on behalf of its third-party payor clients.

6. When a consumer is covered by a benefit plan or insurer that is a client of OptumRx, and that consumer makes a prescription drug purchase at a pharmacy—whether online or at retail pharmacy store—OptumRx tracks, records, and adjudicates the claim to determine for the pharmacy and third-party payor what the total retail price for the pharmacy will be, what amount is billed to the consumer or member and what amount is ultimately billed to the third-party payor.

7. OptumRx maintains records of these transaction details in its regular course of business. A sample set of claims data has been produced by OptumRx and bears the bates numbers ORX000001-ORX000024.

8. OptumRx's claim database contains certain plan design details, including, but not limited to, information regarding copayment structure (*i.e.* flat co-payment or percentage coinsurance), to the extent applicable.

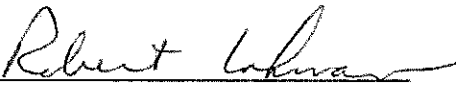
9. OptumRx does not have any capitation contracts with Third-Party Payors.

10. As a PBM, OptumRx may or may not employ spread pricing in its contracts with retail or mail order pharmacies.

11. As a PBM, OptumRx does not consider itself to be paying for its Clients' prescription drug purchases. While OptumRx may retain, in certain cases, compensation through spread pricing, rebates, or administrative fees, that compensation is payment for services that OptumRx provides and not payment for prescription drugs that are dispensed to health plan

members and which are the financial responsibility of the health plan.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, and that this declaration was executed on this 26th day of April 2018.

A handwritten signature in black ink, appearing to read "Robert Lahman", is written over a horizontal line.

Robert Lahman
VP Network Contracting